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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/749,338      | 12/31/2003  | Tai-Cheng Yu         |                     | 8223             |

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WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
1650 MEMOREX DRIVE  
SANTA CLARA, CA 95050

EXAMINER

SCHECHTER, ANDREW M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2871

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/749,338

**Applicant(s)**

YU ET AL.

**Examiner**

Andrew Schechter

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/31/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2, 6, and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/731,042 (see US 2004/0114347). Although the conflicting claims are not identical, they are not patentably distinct from each other because copending claim 1 discloses each feature of claim 1, except for a bottom surface opposite the light emitting surface, which the examiner takes official notice is well-known.

Similarly, claims 2, 6, and 8 are not patentable over copending claims 2, 6, and 10.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5-7, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by *Nakahashi et al.*, U.S. Patent No. 6,767,105.

*Nakahashi* discloses [see Fig. 4, for instance] a light guide plate [12] comprising a transparent plate having a light emitting surface [12b] and a bottom surface [12c] opposite to the light emitting surface, and a plurality of optical embossments [22] arranged across on the light emitting surface. Claim 1 is therefore anticipated.

The transparent plate is substantially a flat plate, so claim 2 is also anticipated. The optical embossments are integrally formed with the light guide plate [product-by-process limitation limited only by the structure, not the steps, see MPEP 2113], so claim 5 is also anticipated. The optical embossments are substantially partially hemispherical, so claim 6 is also anticipated. The optical embossments has uniform dimensions and are evenly distributed, so claim 7 is also anticipated.

This is a backlight system with a light source [14] arranged at a side of the light guide plate, and a plurality of optical embossments [22, 12d] evenly distributed on the

light guide plate, so claim 13 is also anticipated. The embossments are applied on the light emitting surface, so claim 14 is also anticipated. The embossments are applied upon both the light emitting surface and the bottom surface, so claim 15 is also anticipated.

5. Claims 1, 2, 5, 8, 9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ohkawa*, U.S. Patent Application No. 2002/0036729.

*Ohkawa* discloses [see Fig. 5, for instance] a light guide plate [30] with light emitting surface [33] and bottom surface [34] opposite, and a plurality of optical embossments [PR] on the light emitting surface. Claim 1 is therefore anticipated.

The plate is substantially flat or trapezoidal, so claim 2 is also anticipated. The embossments are integrally formed with the plate, so claim 5 is also anticipated. There are a plurality of dots [90] evenly distributed and of uniform dimension on the bottom surface [see Fig. 12, for instance], so claims 8 and 9 are also anticipated.

There is a light source ["L"] at a side of the light plate, so claim 13 is also anticipated. The embossments [PR and 90] are applied on the light emitting surface and on both surfaces, so claims 14 and 15 are also anticipated.

6. Claims 1, 2, 5, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by *Saigo et al.*, U.S. Patent No. 5,926,033.

*Saigo* discloses [see Fig. 7, for instance] a light guide plate with light emitting surface [12] and bottom surface [13] and optical embossments [12a] on the light emitting surface. Claim 1 is therefore anticipated.

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The plate is flat, so claim 2 is also anticipated. The embossments are integrally formed, so claim 5 is also anticipated. There are a plurality of dots [13a] evenly distributed on the bottom surface [see Fig. 4], so claim 8 is also anticipated. The diameter of each of the dots is larger than a corresponding diameter or width of each of the optical embossments [see Fig. 8, for instance], so claim 12 is also anticipated.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nakahashi et al.*, U.S. Patent No. 6,767,105 in view of *Uratani*, U.S. Patent No. 5,317,430.

*Nakahashi* does not disclose the material used to make its transparent plate. *Uratani* discloses an analogous transparent plate [4] made from PMMA. It would have been obvious to one of ordinary skill in the art at the time of the invention to make *Nakahashi's* transparent plate (and optical embossments) from PMMA, motivated by *Uratani's* teaching that PMMA is an acryl resin of high light transmittivity [col. 5, lines 65-66] which enables efficient light usage. Claims 3 and 4 are therefore unpatentable.

***Allowable Subject Matter***

9. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

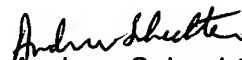
The prior art does not disclose the device of claim 10, in particular the limitations that there are optical embossments on the light emitting surface, and there are dots on the bottom surface which are both evenly distributed and of uniform dimension, and wherein the dots are generally hemispherical, partially hemispherical, dome-shaped, frustum-shaped, or cylindrical. Similarly, the prior art does not disclose the device of claim 11, where the dots are hollow regions which are hemispherical, partially hemispherical, concave, frustum-shaped, or cylindrical. Claims 10 and 11 would therefore be allowable if rewritten appropriately.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Schechter whose telephone number is (571) 272-2302. The examiner can normally be reached on Monday - Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew Schechter  
Patent Examiner  
Technology Center 2800  
15 April 2005